

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 7004**

**BILL NUMBER:** SB 306

**NOTE PREPARED:** Dec 29, 2003

**BILL AMENDED:**

**SUBJECT:** Hypnotist Regulation.

**FIRST AUTHOR:** Sen. Meeks R

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** This bill amends the hypnotist certification law concerning exemptions and examinations. It establishes procedures under which the Hypnotist Committee may issue a cease and desist order. The bill increases penalties for practicing hypnotism without proper certification. The bill also requires a medical referral before a hypnotist may treat a smoking addiction or obesity.

**Effective Date:** July 1, 2004.

**Explanation of State Expenditures:** Although cease and desist orders fall within the scope of the office's duties, allowing the Hypnotist Committee to issue such orders could potentially increase the Attorney General office's administrative work load. However, this provision should have a minimal fiscal impact.

*Penalty Provision:* This bill changes the penalty from a Class B misdemeanor to a Class A misdemeanor for a person professing to be a hypnotist when not authorized to do so, and it changes the penalty from a Class A misdemeanor to a Class D felony for a person who practices hypnotism when not certified.

State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$26,825 in FY 2002. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost per offender for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

**Explanation of State Revenues:** *Penalty Provision:* Revenue to the Common School Fund may increase if a person is sentenced for a Class A misdemeanor rather than for a Class B misdemeanor. The maximum fine for a Class B misdemeanor is \$1,000, while the maximum fine for a Class A misdemeanor is \$5,000. Also, the maximum fine for a Class D felony is \$10,000. Court fees of \$120 would remain unchanged.

**Explanation of Local Expenditures:** *Penalty Provision:* Costs to local governments could increase because the maximum term of imprisonment for a Class B misdemeanor is up to 180 days, while the maximum term for a Class A misdemeanor is up to one year. The average daily cost of housing a prisoner is an approximately \$44.

If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year.

**Explanation of Local Revenues:** *Penalty Provision:* Court fees for both misdemeanors and felonies are \$120 and would remain unchanged.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts; local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association.

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